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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AliveCor, Inc.,

Plaintiff,

v.

Apple Inc.,

Defendant.

CASE NO. 4:21-CV-03958-JSW-SK

**DEFENDANT APPLE INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL ITS *DAUBERT* MOTION
TO EXCLUDE THE TESTIMONY OF DR.
ROOZBEH JAFARI**

The Honorable Jeffrey S. White

Pursuant to Civil Local Rule 7-11, 79-5, and the Court’s order on the parties’ stipulation regarding sealing of summary judgment filings (Dkt. No. 174), Defendant Apple Inc. (“Apple”) respectfully submits this interim motion to seal and to consider whether another party’s material should be sealed.

Apple moves to provisionally file under seal Apple Inc.’s *Daubert* Motion to Exclude the Testimony of Dr. Roozbeh Jafari and related materials. The parties stipulated to a modified sealing procedure in connection with summary judgment briefing and any related filings. Dkt. 174 (“Stipulation Regarding Summary Judgment Briefing and Sealing and Expert Discovery Deadline”). The Court granted the stipulation on April 28, 2023, in an Order that states the parties may “file their summary judgment briefs and associated exhibits and supporting materials under seal initially, and file a consolidated set of sealing materials—including redacted briefs, exhibits, and supporting documents—after summary judgment briefing is complete.” *Id.* at 3. Pursuant to that stipulation, Apple submits its “summary judgment brief[] and associated exhibits and supporting materials under seal” and will submit its consolidated set of sealing materials once summary judgment briefing is complete. *Id.* The reasons for sealing will be discussed in a forthcoming sealing motion as part of that consolidated set of sealing materials.

In particular, Apple seeks to provisionally seal the following materials:

<u>Document</u>	<u>Portion to Be Filed Under Seal</u>	<u>Designating Party</u>
Apple Inc.’s <i>Daubert</i> Motion to Exclude Opinions and Testimony of Dr. Roozbeh Jafari	Entire document	Apple and/or AliveCor
[Proposed] Order Granting Apple Inc.’s <i>Daubert</i> Motion to Exclude Opinions and Testimony of Dr. Roozbeh Jafari	Entire document	Apple and/or AliveCor

Apple seeks to seal information designated confidential or highly confidential by Apple and by AliveCor. Apple takes no position on the merits of the confidentiality designations by AliveCor.

For the foregoing reasons, Apple respectfully requests that the Court grant Apple’s Administrative Motion to Seal.

1 DATED: July 27, 2023

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2 By: /s/ Caeli A. Higney

3 Caeli A. Higney

4 *Attorney for Defendant Apple Inc.*